निर्माण कार्यों में इस तरह की धांधली चल रही है तो हमारे देश के सीमित साधनों को देखते हुए हमारे प्रतिरक्षा विभाग में जो भ्रष्टाचार का बोलबाला है, अव्यवस्था का बोलबाला है, उस भ्रष्टाचार और अव्यवस्था को खत्म करने के लिए हमारे प्रधान मंत्री क्या कदम उठाने जा रहे हैं?

MR. CHAIRMAN: Please conclude the question. You have asked it. *interruptions)* Don't repeat it. Please conclude.

SHRI MALLIKARJUN: Sir, in regar to what the hon. Member has mentioned, if she has got any specific instance, she can write to me. *(Interruptions)* we will look into the matter.

SHRI DIPEN GHOSH: She is refer-ing to the SAG report. *(Interruptions)*

SHRI KAMAL MORARKA: Sir, she is quotin from the CAG report. *(Interruptions)*

SHRI MD. SALIM: Sir, she has cited a specific instance.

MR. CHAIRMAN: Will the Minister answer?

SHRI MALLIKARIUN: Sir, so far as the CAG report is concerned, I don't have to say anythng in this august House. It will be placed before the Public Accounts Committee and whatever findings the Public Accounts Committee give, will be communicated to .the Defence Ministry.

Implementation of the recommendations of the Arrears Committee

*243. SHRI J. S. RAJU:

SHRI V. GOPALSAMY :†

Will the PRIME MINISTER be pleased to refer to answer to Unstarred Question 479 given in the Rajya Sabha on the 29th April, 1993 and state:

(a) what are the recommendations of the Arrears Committee implemented by Government so far;

fThe question was actually asked on the floor of the House by Shri V. Gopal-samy.

(b) what steps have been taken to implement all the recommendations and the progress made thereof sinee the constitution of the working groups in October, 1992;

(c) whether Government have sought the opinion of the Law Commission on the above report, if so, the opinion given thereon;

(d) what is the sonctioned strength of judges in each High Court and the ac tual strength thereof as on date; and

(e) whether Government propose to increase the strength of judges in each High Court, if so, by when this in crease is likely to be made effective?

THE MINISTER OF STATE IN THE (MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) to (e) A Statement is laid on the Table of the House.

Statement

(a) to (c) The recommendations made by the Arrears Committee covering various aspec s, have been commended to all the concerned Central Ministries, State Governments and High Courts for necessary follow-up action. Some of the recommendations viz; relating to raising of the pecuniary jurisdicition of District Courts, introduction of a Centrally Sponsored Scheme to upgrade infrastructural facilities for the judiciary setting up of training facilities f°r legislative drafting decision to set up an All India Training Academy etc, have already been implemented by the concerned authorities. No reference has been made to the Law Commissson. However, as per the decision taken in the Law Ministers Conference held in October, 1992 at Bangalore, working groups of State Law Ministers have been constituted to suggest further measures for the implementation of the recommendations of the Arrears Committee so as to expedite the disposal of pending cases in the Courts.

(a) and (e) The judges strength of High Courts is revised from time to time taking into account various factors viz. arrears position, infrastructural facilitie, etc. The sanctioned strength and actual strength of judges in each High Court as on 1-5-1993 is given below;

Sanctioned strength and actual strength in the High Courts as on 1-5-1993.

Sl. No.	High Court	Sanctioned Strength			Actual Strength		
		Pmt. Judges	Addl. Judges	Total	Pmt. Judges	Addl. Judges	Total
1.	Allahabad	70	..	70	65	..	65
2.	Andhra Pradesh	24	2	26	24	..	24
3.	Bombay	42	12	54	42	5	47
4.	Calcutta	45	1	46	36	..	36
5.	Delhi	25	5	30	24	1	25
6.	Gauhati	16	..	16	11	..	11
7.	Gujarat	23	7	30	23	4	27
8.	Himachal Pradesh	5	3	8	3	2	5
9.	Jammu & Kashmir	8	2	10	7	2	9
10.	Karnataka	28	2	30	24	..	24
11.	Kerala	21	3	24	20	3	23
12.	Madhya Pradesh	26	4	30	23	1	24
13.	Madras*	28	..	28	25	..	25
14.	Orissa	12	2	14	12	1	13
15.	Patna	35	..	35	32	..	32
16.	Punjab & Haryana	26	7	33	25	3	28
17.	Rajasthan	23	2	25	20	..	20
18.	Sikkim	3	..	3	2	..	2
	TOTAL :	460	52	512	418	22	440

SHRI V. GOPALSAMY: Mr. Chairman, Sir, since independence, 16 CommiAees have been appointed to go into the problem of arrears in High Courts and judicial reforms. The first S. R. Das Committee was constituted in the year 1949. The latest is the Malimath Committee of 1990. Sir, the pendency of cases in the High Courts, according to the annual report of the Home Minis-iry, was 11,19,484 in 1983. For the year 1991, according to the report, the pendency was 21,96,270. Sir, in the Allahabad High Court alone, .the pendency of cases by 31st -July, 1991 was 5,68,847.

MR. CHAIRMAN; What is your question?

SHRI V. GOPALSAMY: Sir, I arc putting my question. Sir, the All India norm for the disposal of cases for a judge is about 850. The sanctioned

strength of Judges in the Allahabad High Court is only 17. So the maximum disposal possible is only 17,000 and it will take 8 years provided no fresh cases are filed. What will hapen? For 8 years, about 85,000 cases will be filed. Therefore, Sir, I would like to know from the hon. Law Minister whether the Government has 'taken steps to create the necessary infrastructure, start new benches and provide financial allocation. What steps have the Government taken to tackle the problem of arrears? The hon. Minister has mentioned in his statement that some of the recommendations have been implemented.

SHRI H. R. BHARDWAJ: Mr. Chairman, Sir, I must confess that in our country there has been almost an explosion of litigation. But it is not that we are not aware of it and that is why the Committees were constituted from time to time. Recently, the Government has brought toward a Centrally sponsored scheme in consultation with the Planning Commission, to upgrade the judicial infrastruoture and we are in dialogue with the various States to upgrade the judicial infrastructure and other equipments required as one of the measures to reduce arrears. Several other suggestions have been made by the Mali-math Committee. We have started holding meetings with the State Law Ministers and we have already held three meetings with the State Law Ministers because for adminietartion of judiciary at the district level, we have to essentially take the States with us. It is they who have to finalise it and it is they who have to upgrade the judicial infrastructure in consultation with the High Courts. So, there is a multi-pronged strategy to reduce the arrears. But you will appreciate, Sir, that this increase in arrears has accumulated over the years for two reasons. Firstly, we are a very liberal democracy and explosion of litigaition is not a very bad sign because a contentious society always resorts to litigation. But we are also trying to find out new methods by which we ean reduce appeals in the procedural laws and all this. So I feel personally that this docket explosion is within the manageable limits.

SHRI V. GOPALSAMY: According to the Jaswant Singh Commission, the increase in population between 1961 and 1981,

i.e. in the two decades, is 150 per cent, but the increase in the pendency of cases in High Courts in these two decades is 468 per cent. Sir, the famous Forty-Second Amendment was incorporated into the Directive Principles of State Policy which assured that the States shall secure the operation of a legal system which promotes justice on the basis of equal opportunity. In view of the recommendations of the Malimath Committee and also Aricle 39A of the Constitution, what steps you have taken? You have formed a Working Group. The Working Group met in Pondicherry and then in Goa as they are very nice tourist spots. They may go to Simla but they will not go to Kashmir because of the security problem. Will the Government formulate a national judicial policy to tackle the arrears problem and also to provide justice at the doorstep? Sir, they promised justice at the doorstep in the year 1976 but justice is sky-high. The poor cannot get justice according to the present state of affairs. Will the Government take any serious view of this?

SHRI H. R. BHARDWAJ: Sir, you kindly appreciate that a national policy on judicial management can only come by a mutual discussion with the States. We have a quasi-federal structure and the views of State Governments are very essential because if we rush through any amendment to the procedural and other laws, any amendment in the existing judicial infrastructure, it will create a lot of controversy. I don't think the hon. Member is correct that our meeting, whether it is in Pondicherry or in Goa, is for an excursion. As a matter of fact, we are very taxed traveling such long distances because in these areas they must also get the information because Pondy is very important from our point of view; similarly Goa is also important because they are also taking a lot of interest in upgrading the judicial infrastructure and all your Minis'

ters, not only the Minister from here, have come there and they have con tributed a lot to these discussions and I am very hopeful, and I will request the hon. Prime Minister to discuss nation-wide this programme of improve ment of judical infrastructure within the next few months. We are conscious of this thing that we must bring justice effectively; effective, substantive and cheap justice within the limits of the poor persons. Sir, this is a very com plex problem and as the hon. Member *aid, 40 years or 50 years after the advent of the Constitution in India we have given so many liberties and so many legislations have come in the coun try; that you kindly appreciate, Sir. We have a Consumer Protection Act, we have family courts, We have tribunals, we have created so many several other laws which have created courts. So you have to make money available to the States. The States and the Centre .... *(Interruption)*... We cannot go on ap pointing judges indiscriminately..... *(Interruption')*... Lok Adalats is an ex-perimental measure and it has been suc-cessful. Lakhs of cases have been disposed of. Our concern for speedy justice is there and we are conscious of it.

MR. CHAIRMAN: Shri Raju. I understand Shri Raju has come.

SHRI TINDIVANAM G. VENKAT-RAMAN: Sir, I put it.

SHRI SUBRAMANIAM SWAMY: Sir. he is not Raju ..... *(Interruption)*.. .

MR. CHAIRMAN: 1 have somebody else on my list. Please sit down. Mr. Raju, are you not interested?

SHRI PASUMPON THA KIRUTTl-NAN: Sir, Mr. Gopalsamy has covered his questions. *(Interruptions).*

SHRI PRAMOD MAHAJAN: Sir, this is a question where somebody can advocate.

MR. CHAIRMAN: Please ask your question, Mr. Raju.

SHRI J. S. RAJU: Sir, have all the vacancies in the High Courts been filled up in time? According to the Malimath Committee, between 1986 and 1990 about 4,57,200 cases could have been disposed of. It means the pendency would have come down considerably.

Part (b) of my question is this. Will the Central Government immediately fill up all the 86 vacancies in the High Courts? In view of the burden of Madras High Court, will the Government set up a High Court Bench at Madurai?

SHRI H. R. BHARDWAJ: Mr. Chairman, Sir. we bad recently a very detailed *discussion on how we could* improve effectively the process of appointment of judges and the Supreme Court Nine-Judge Bench went into it. We have assisted the Court because it requires consultation with the Chief Justice of the State, the Chief Minister of the State, the Governor of the State and the Chief Justice of India and several other constitutional functionaries and whatever speed we can bring into it, it should be done with mutual consultation. It is also time consuming at the moment. But we have requested the hon. Supreme Court to see how we can make it more speedy. On our part, we are not delaying any appointments. As I said earlier, in the consultation process the time factor is there and sometimes it is delayed. It is not the only factor on account of which accumulation of arrears occurs. There are several other factors. Reform: is a continuing process. Reform is not a one-day task. It is a continuing process. Madurai Bench is one of the problems which the hon. Member has mentioned. It is also linked with other problems because several States wanted Benches. So, we have now kept all these problems for a national dialogue and we will have a national policy on it.

MR. CHAIRMAN: Shri Sushil Kumar Shinde.

श्री सुशील कुमार संभाजीराव शिन्दे : सभापति महोदय, मैं आपके माध्यम से मंत्री महोदय से कहना चाहता हूं कि

जो यह स्टेटमेंट उन्होंने दिया है यह सैक्शन स्ट्रेंथ और एक्चुअल स्ट्रेंथ का स्टेटमेंट है। कलकत्ता हाई कोर्ट में परमानेंट जजेज का 45 है और एक्चुअल स्ट्रेंथ में 36 हैं। ऐसे कई हाई कोर्टस में शार्टफाल है। मैं यह पूछना चाहता हूं कि यह जो शार्टफाल है क्या यह शिड्यूल्ड कास्ट्स और शिड्यूल्ड ट्राइब के लोग वहां नहीं लिये गये हैं इसके कारण है या और कोई कारण है कि वहां यह शार्टफाल आ गया है। इसके साथ मैं यह पूछना चाहता हूं सभापति महोदय कि बहुतेरे हाई कोर्ट्स में शिड्यूल्ड कास्ट और शिड्यूल्ड ट्राइब्स के प्रेक्टिसिंग लायर्स की यह रिकमेंडेशन आ रही है लेकिन क्या वजह है कि यह पेंडिंग है। अभी तक उसका निर्णय नहीं हो रहा है। मैं यह विनती करूंगा सरकार से कि वह डाइरेक्शन तो नहीं दे सकती है लेकिन सुप्रीम कोर्ट से विनती करके एक महीने के अंदर यह वैकलाग क्लियर कर सकेंगे क्या ऐसी कोई संभावना है ?

SHRI H. R. BHARDWAJ: These vacancies are not linked with any reservation. But we have separately written to all the concerned constitutional functionaries to take into consideration, while recommending the names of the candidates for judgeship. Scheduled Castes and Scheduled Tribes women particularly and the minorities also. We have requested them to take special care of it. But these vacancies as such have no correlation with the reservation. As far as appointments are concerned, the vacancy position in various High Courts has been given in the chart and they are at various stages of consultation. I think we cannot say that they will be appointed within one month. They will be appointed in a reasonably quicker time.

MR. CHAIRMAN: Shri Subramanian Swamy.

SHRI SUBRAMANIAN SWAMY: Sir, I also had an occasion as Law Minister to look into this problem. *{Interruptions)*

--- 1 would like to know the Law Minister's view on this issue of arrears and what the Government proposes to do. The issue was not a question of how many Judges you have. The issue was that senior counsels took frequent adjournments. The Civil Procedure Code which lays down when the adjournments could be given and when they could not be given, was never followed. Furthermore, in courts they made up for lack of preparation by long-winded speeches. In the United States Supreme Court a counsel cannot speak for more than 20 minutes.

MR. CHAIRMAN: What about the Parliament?

SHRI SUBRAMANIAN SWAMY: Yes, exactly. If such a time-limit is fixed. I will pass in flying colours.

SHRI S. JAIPAL REDDY: Advocates can speak longer in Parliament than the Members.

SHRI SUBRAMANIAN SWAMY: Mr. Jaipal Reddy will be frequently disqualified if such a time-limit is there. So, I would like to know from the Minister whether he has taken any steps to talk to the judiciary about enforcement of the Procedure Code which lays down clearly the principles on which adjournments may be given and particularly where senior counsel are concerned. I know some senior counsel may be busy in chasing Supreme Court Tudges and cooking up cases against them. So, they wouldn't find time to come to court. The fact of the matter, the principal reason why there are so much arrears taking place, is frequent adjournments given without reference *to* the Civil Procedure Code which lays down the principles on which adjournments should be given.

SHRI H. R. BHARDWAJ: What the hon. Member, Mr. Swamy, has said is very relevant. But I would like to explain it. This alone is not the cause for delays and arrears. There are many factors, like many appeals are there and many adjournments are sought. Sometimes lawyers also contribute to delays. All these factors are contained in the Malimath Committee report. We have already got in touch with several agencies involved in

it. Whoever can cooperate in this matter will be appreciated. But we cannot enforce on courts that within the court you adopt this type of a system. We have already requested...

SHRI SUBRAMANIAN SWAMY: I did not say that. The Civil Procedure Code lays down certain principles under which adjournments are given. They are not being followed.

SHRI H. R. BHARDWAJ: I can reply on behalf of the Government. I cannot reply what the lawyers should do or should not do. We make a request to them. Hon. judges also have been requested even to increase the working time. Some of the high courts have responded to it. In Andhra Pradesh and some high courts have responded to it and they have increased the working hours. Some lawyers also have responded to it very positively. We had a discussion also. The question is, whatever is contained in the CPC is mandatory. There is no question of our requesting them) that this is the mandate you must follow. Whatever is the statute must be obeyed by all concerned. This is a pdo-blem which will require all round co-operation. The inner working of the courts, working of the bar, working of the adequate strength of judges and then making available infrastructure to judiciary, which was neglected all the time, This Government has brought for the first time planned expenditure for the infrastructure of courts. That shows our concern. We are giving 50 per cent of the money which the State wants for upgrading infrastructure. Courts cannot function with broken typewriters and broken pens and all that. They cannot function with that. You have to provide that. We are giving whatever is possible within the constraints of the Eighth Five Year Plan. We have set apart Rs. 500 crores for this. We hope that the States will respond to this and the courts will also respond to this.

श्री प्रमोद महाजन : सभापति महोदय, बकाया मामला समिति ने जो सिफारिशें की हैं, छह महीने पहले राज्यों के विधि मंत्रियों का कार्यकारी समूह गठित हुआ है, जो इन सिफारिशों पर विचार करके अपनी सिफारिशें देगा।

मैं मंत्री महोदय से यह जानना चाहता हूं कि यह जो राज्य विधि मंत्रियों का कार्यकारी समूह गठित हुआ है, उसकी आज तक कितनी बैठकें हुई हैं? इनकी ओर से क्या किसी प्रकार की कुछ सिफारिशें आप तक पहुंची हैं?

इनको काम करने के लिए कितना समय दिया है ताकि राज्यों में भी बकाया सारे जो केसेज हैं, इनको जल्दी निपटाया जा सके, इसके लिए यह कार्यकारी समूह क्या कर रहा है, या इस कार्यकारी समूह का काम भी फिर बकाया समिति को दिया जाएगा---यह मैं जानना चाहता

श्री हंसराज भारद्वाज : श्रीमन्, यह कमेटी इसकी कोई सिफारिशें नहीं द रही है। यह जो सिफारिशें मालीमठ कमेटी ने दी थीं, उनको कार्यान्वयन करने की इसकी जिम्मेदारी है। और जब भी ला मिनिस्टर दूसरे राज्यों से इस मीटिंग में आते हैं, हम उनकी सहमति के लिए प्रस्ताव उनके सामने रखते हैं और मुझे खुशी है कि पूर्णतया सहमति सारे मामले पर राज्य सरकारें दे रही हैं और उन पर काफी मुद्दों पर हमारी एक राय है। जैसे कोर्ट्स को माडर्नाइज करने के लिए सारी राज्य सरकारें इस बात पर सहमत हो गई हैं कि कोर्ट्स में फोटोकापी, वर्ड-प्रोसेसर और फैक्स मशीनें, इस प्रकार के यंत्र भी चालू करें, जिसके लिए पैसा मिले।

जो कोर्ट रूम खराब हैं, जहां पर जजेज और लाइयर्स के लिए बैठने की जगह नहीं है, वह जल्दी से बनवाये जायें, उस पर बहुत सहमति है और यह हमने तय कर लिया है।

जो वर्किंग आवर्ज हैं, जैसे मैंने अर्ज किया था कि उनको बढ़ाया जाए, तो राज्य सरकारों ने उसके लिए सहमति दी है कि हम अपनी सुबार्डिनेट जूडिशरी में इस प्रकार की रिक्वैस्ट करेंगे और

पर्मानेंट मशीनरी जैसे आरबिट्रेशन देने की बात पब्लिक सेक्टर इंटरप्राईज में है, वह भी तय हो गया है।

तो इस प्रकार के बहुत सारे ऐसे मसले हैं, जो बेसिक हैं, जो उसकी फाउंडेशन, नींव पर आधारित हैं। उन पर जब राज्य सरकारों के मिनिस्टर, हां कर जाते हैं, तो हमारी कठिनाई काफी हद तक कम हो जाती है और जैसा मैंने कहा कि यह कमेटी कोई वहां सिफारिश करने नहीं जाती। वह तो सिफारिशों को अमली जामा पहनाने के लिए वहां जाती है। और एक बार वह वहां पर पार्टी हो जाती है उस निर्णय की उससे पार्टी होने के बाद फिर आगे इसको इंप्लीमेंट करने में कठिनाई नहीं हो पाएगी।

श्री सत्य प्रकाश मालवीय : मान्यवर, मैं यह जानना चाहता हूं कि अकसर जो यह कमीशन आफ् इन्क्वायरी एक्ट के अंतर्गत जांच आयोग बैठाया जाता है इसमें हाई कोर्ट के जो सिटिंग जजज हैं उनकी नियुक्ति की जाती है और अकसर यह सुझाव दिया गया है उसके कारण भी जो एरियर्ज हैं उनमें वृद्धि होती है। क्या सरकार इस सुझाव को विचार करेगी कि भविष्य में कमीशन आफ् इन्क्वायरी एक्ट के अंतर्गत किसी भी हाई कोर्ट के सिटिंग जज की जांच आयोग में नियुक्ति न की जाए?

श्री हंसराज भारद्वाज : श्रीमन्, यह भी एक मुद्दा लॉ मिनिस्टर के साथ अभी हाल में डिसकस हुआ और करीब-करीब सब की यह सिफारिश है कि कम से कम सिटिंग जजेज को कमीशन आफ् इन्क्वायरी में बैठाया जाए। लेकिन कई बार ऐसी मजबूरी होती है जिसमें जनता और गवर्नमेंट इनसिस्ट करती हैं कि हम खाली सिटिंग जज की इन्क्वायरी को ही पसंद करेंगे। उन मामलों में हमको सिटिंग जज देना पड़ता है। इसमें कोई दो राय नहीं है कि सिटिंग जज को अगर कमीशन आफ् इन्क्वायरी में बैठाया जाए तो उसकी जगह जो काम होना था वह रुक जाता है। इसीलिए इस पर भी सहमति के लिए हमने लॉ मिनिस्टर्ज को पूछा और उनकी भी यही राय है कि सिटिंग जजेज को इन्क्वायरी में कम से कम बैठाया जाए।

244. [Ihe questioner (Shri Suresh Kalmadi) was absent. For answer vide col.... infra]

Recommendations of PAC to monitor custom! duty eoncestsions

245. DR. NARREDDY THULASI REDDY;! SHRI RAJNI RANJAN SAHU:

Will the PRIME MINISTER be pleased to state:

(a) whether Government are aware of the recommendations of the Public Accounts Committee on monitoring custom duty concessions on import of drugs and their impact:

(b) whether these recommendations have been accepted by Govt.; and

(c) if so, what steps have been taken to implement these recommendations?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI EDUARDO FALEIRO): (a) to (c) A Statement is laid on the Table of the House.

Statement

(a) The recommendations contained in the 5th report of the Public Accounts Committee, 10th Lok Sabha (1991-92) regarding monitoring of custom duty concessions are general in nature and not specific to drugs.

(b) and (c) It is reported that the Minis. try of Finance has already furnished an action taken note on the said recommendations of the Committee.

tThe question was actually asked on the floor of the House by Dr. Narreddy Thulasi Reddy